

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

APR 11 2019

David J. Bradley, Clerk

United States of America

v.

JOSE ISMAEL PORTILLO-GONZALEZ
Citizen of EL SALVADOR
YOB: 1974

Case No.

M-19-0819-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 11, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 18, U.S.C. 111(a)(1)

Offense Description

Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in Section 1114 of Title 18 while engaged in or on account of the performance of official duties; and, whoever in the commission of any acts described above, and where such acts involved physical contact with the victim of the assault.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Complainant's signature

Juan Carranco, Task Force Officer, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/11/2019City and state: McAllen, Texas

Judge's signature

JUDGE, United States Magistrate Judge

Printed name and title

Attachment "A"

Affidavit

I, Juan Carranco, being first duly sworn, state as follows:

1. I, Juan Carranco, am a Task Force Officer with the Federal Bureau of Investigation (FBI) in McAllen, Texas, and have been so employed since March 2013. I am currently assigned to the Rio Grande Valley Violent Crime Task Force in McAllen, Texas.

2. The information contained in this affidavit is based on my personal knowledge and on information provided to me by other agents of the FBI, law enforcement officers, and other sources of information. This affidavit serves to provide the probable cause in support of a complaint against Jose Ismael Portillo-Gonzalez for violating Title 18, U.S.C., Section 111 (a)(1), Assaulting a Federal Officer.

3. On April 10, 2019 at approximately 4:45 a.m., in accordance with his official duties as a Border Patrol Agent (BPA), BPA J.R. was conducting line watch duties on an All-Terrain Vehicle (ATV) at the Artesitas Refuge near La Grulla, Texas, when several suspected illegal aliens were located. At the time they were located, it was still dark and a night vision device was required to see. BPA J.R. was conducting his duties with two other Border Patrol Agents, BPA A.A. and BPA R.Y., in an area known for alien and drug smuggling.

4. BPA R.Y. located the suspected illegal aliens using the night vision device, and verbally notified BPA J.R. and BPA A.A. of the situation. BPA A.A. shined a flashlight in the area of the group, verbally identified himself in the Spanish language as Border Patrol, and instructed the subjects to stop, but they ran in different directions.

5. After the subjects ran in different directions, BPA A.A. and BPA R.Y. ran south in an attempt to locate the subjects. BPA J.R. initially stayed with the ATV's, but then moved to locate the subjects.

6. BPA J.R. located a subject, later identified as Jose Ismael Portillo-Gonzalez (hereinafter referred to as "PORTILLO-GONZALEZ"), lying on his stomach in the brush. BPA J.R. verbally identified as Border Patrol in the Spanish language and instructed PORTILLO-GONZALEZ not to move, however PORTILLO-GONZALEZ got up and ran. BPA J.R. ran after PORTILLO-GONZALEZ, but PORTILLO-GONZALEZ stopped and turned toward BPA J.R. PORTILLO-GONZALEZ was approximately seven feet away from BPA J.R. when he yelled and charged toward BPA J.R. PORTILLO-GONZALEZ struck BPA J.R. multiple times in the chest with closed fists. PORTILLO-GONZALEZ also kicked BPA J.R. multiple times in his lower leg. BPA J.R. was thrown off balance, but did not fall. He pushed PORTILLO-GONZALEZ to create space between them, and BPA J.R. removed his baton and told PORTILLO-GONZALEZ to stop in the Spanish language. PORTILLO-GONZALEZ again struck BPA J.R. in the leg, and BPA J.R. used the baton to strike PORTILLO-

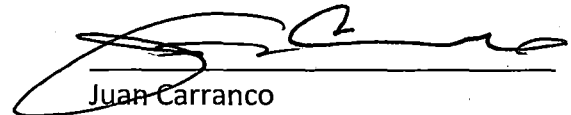
GONZALEZ in the leg. PORTILLO-GONZALEZ did not stop trying to kick BPA J.R., and BPA J.R. again struck PORTILLO-GONZALEZ with the baton in the leg. PORTILLO-GONZALEZ attempted to punch BPA J.R., and BPA J.R. struck PORTILLO-GONZALEZ in the arm with the baton. As BPA J.R. attempted to strike PORTILLO-GONZALEZ in the arm a second time with the baton, PORTILLO-GONZALEZ crouched down and was struck in the head. PORTILLO-GONZALEZ fell to the ground, and BPA J.R. attempted to handcuff PORTILLO-GONZALEZ but PORTILLO-GONZALEZ tucked his arm under his body. BPA J.R. was able to put a handcuff on PORTILLO-GONZALEZ's left hand, and BPA R.Y. arrived to the location and assisted in detaining PORTILLO-GONZALEZ.

7. As a result of the assault, BPA J.R. sustained injuries to his lower leg and had pain in his neck.

8. BPA J.R. is a Border Patrol Agent, an officer and employee of the United States, namely a person designated in section 1114 of Title 18.

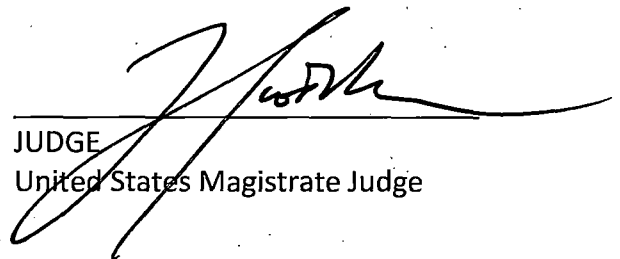
9. Subsequent to the apprehension of PORTILLO-GONZALEZ, it was determined that PORTILLO-GONZALEZ was a citizen of El Salvador, and was illegally present in the United States.

10. Based on the aforementioned factual information, your Affiant respectively submits that PORTILLO-GONZALEZ committed violations of Title 18, United States Code, Section 111 (a)(1), Assaulting a Federal Officer.



Juan Carranco
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me this 11th day of April, 2019.



JUDGE
United States Magistrate Judge